



1659

#10/JRW  
05-08-03

ATTORNEY DOCKET NO. 07121.0003UI  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )  
SUNG )  
Serial No. 09/990,874 )  
Filed: November 21, 2001 )  
For: "XYLANASES WITH ENHANCED )  
THERMOPHILICITY AND )  
ALKALOPHILICITY" )

Group Art Unit: 1652

Examiner: Rao, Manjunath

Confirmation No. 2196

**RECEIVED**

MAY 05 2003

TECH CENTER 1600/2900

**ELECTION UNDER RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

April 25, 2003

Sir:

This Response to a Restriction Requirement filed under 37 C.F.R. § 1.111 is responsive to the Office Action dated March 25, 2003 restricting claims 1-66 into twenty-two species.

Applicants provisionally elect Species 21 (TrX-H-11D-ML-75A105H-118C-125A129E-144R161R, with traverse. Currently, Claims 1-46 and 49-66 read on the elected species. Applicants acknowledge that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species as provided by 37 C.F.R. § 1.141.

ATTORNEY DOCKET NO. 07121.0003U1  
APPLICATION NO. 09/990,874

The Office Action asserts that the claims "do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons...each of such species and methods accordingly define a separate invention."

All of the claims relate to a single general inventive concept because each of the amino acid substitutions comprise a novel and inventive modified xylanase.

M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (*emphasis added*)

Therefore, the Examiner has not shown that there would be a serious burden to examine species 1-22 together. Therefore, reconsideration and withdrawal of the election of species requirement is required in view of M.P.E.P. § 803.

Should the Examiner have any questions regarding this response, or the application in general, she is invited to telephone the undersigned at her earliest convenience.

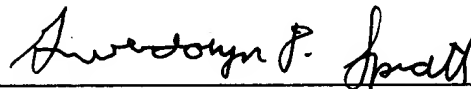
For the above reasons, reconsideration or withdrawal of the restriction requirement is requested.

ATTORNEY DOCKET NO. 07121.0003U1  
APPLICATION NO. 09/990,874

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

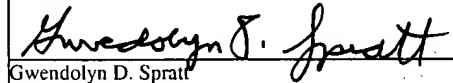


Gwendolyn D. Spratt  
Registration No. 36,016

NEEDLE & ROSENBERG, P.C.  
The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811  
404/688-0770

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.



Gwendolyn D. Spratt

Date

4-25-03